



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD  
License for Diversion and Use of Water

APPLICATION 16142

PERMIT 10144

LICENSE 6238

Arthur J. Granlees and Josephine D. Granlees  
Sloughouse, California

Notice of Assignment (Over)

THIS IS TO CERTIFY, That

have made proof as of April 7, 1960,  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
(1) Cosumnes River and (2) an unnamed gully in Sacramento County

tributary to (1) Mokelumne River (2) Cosumnes River

for the purpose of irrigation and stockwatering uses  
under Permit 10144 of the State Water Rights Board and that said right to the use of said water has been  
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the  
terms of the said permit; that the priority of the right herein confirmed dates from November 18, 1954  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed one and twenty-four hundredths  
(1.24) cubic feet per second by direct diversion from Cosumnes River to be diverted  
from about May 1 to about October 31 of each year and forty-five (45) acre-feet per  
annum by storage to be collected from about October 1 of each year to about May 1  
of the succeeding year from either or both sources.

Maximum rate of diversion to off stream storage has been one and six tenths (1.6)  
cubic feet per second.

The equivalent of such continuous flow allowance for any thirty-day period may be  
diverted in a shorter time if there be no interference with other vested rights.

The points of diversion of such water are located :

- (1) North thirty-five (35) feet and east one thousand seven hundred eighty (1780)  
feet from SW corner of Section 35, T8N, R8E, MDB&M, being within  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$   
of said Section 35.
- (2) North one thousand seven hundred fifty (1750) feet and east one thousand two  
hundred sixty (1260) feet from SW corner of Section 35, T8N, R8E, MDB&M, being  
within  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of said Section 35.

A description of the lands or the place where such water is put to beneficial use is as follows:

Stockwatering within  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of Section 35, T8N, R8E, MDB&M., and irrigation of:

33 acres within  $NE\frac{1}{4}$  of  $NW\frac{1}{4}$  of Section 35, T8N, R8E, MDB&M  
26 acres within  $SE\frac{1}{4}$  of  $NW\frac{1}{4}$  of Section 35, T8N, R8E, MDB&M  
31 acres within  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of Section 35, T8N, R8E, MDB&M  
3 acres within  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of Section 35, T8N, R8E, MDB&M  
16 acres within  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  of Section 35, T8N, R8E, MDB&M  
109 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the  
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of  
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time  
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein  
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

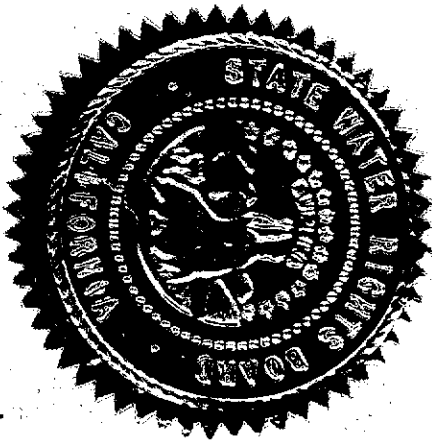
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: APR 11 1961



L. K. Hill  
L. K. Hill  
Executive Officer

12-26-62 Name chge. from Arthur  
Granlee to Estate of Arthur Granlee

H-4-66 RECEIVED NOTICE OF ASSIGNMENT TO George W.  
Artz, Jean Little Artz, Hal L  
and Louise Ellis.

4/26/65 Bank of America N. T. & S. Co. Corporate  
Custodian of the Pension Fund for  
9-12-86 Asgd to Rancho Murieta Properties, Inc  
1-14-88 Asgd to Rancho Murieta Community Service Dist.

LICENSE 6238

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO A. J. and J. D. Granlees

DATED APR 11 1961

26236

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 2631, 12258,  
10473, and 10474 Issued on Applications  
2270, 5645A, 13707, and 13708

U. S. BUREAU OF RECLAMATION

Petitioner

and  
Permit 16762 Issued on Application 23416,  
Licenses 537 and 6238 Issued on Permits  
1030 (Application 1838) and 10144  
(Application 16142)

BANK OF AMERICA AS CORPORATE CUSTODIAN  
OF THE PENSION TRUST FUND FOR OPERATING  
ENGINEERS (RANCHO MURIETA)

Petitioner

OMOCHUMNE-HARTNELL WATER DISTRICT

Protestant

ENVIRONMENTAL COUNCIL OF SACRAMENTO

Complainant

License 2629 Issued on Permit 1320  
(Application 2296) of

Cosumnes Irrigation Association

Licensee

JAY SCHNEIDER

Protestant and Complainant

Order : WR 79-23

Source: Cosumnes River

County: Sacramento

ORDER MODIFYING ORDER WR 79-13 ON RECONSIDERATION

BY THE BOARD:

Rancho Murieta, Omochumne-Hartnell Water District and Jay Schneider,  
having petitioned the State Water Resources Control Board (hereinafter the Board)  
for reconsideration of Order WR 79-13, adopted June 7, 1979, which approved change

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petitions of the U. S. Bureau of Reclamation and Rancho Murieta, and allowed complaints of Jay Schneider in part; the Board having received written statements in opposition to the petition of Jay Schneider from Rancho Murieta and El Dorado Irrigation District; the Board having made its order on July 19, 1979 granting reconsideration; the petitions and the record in this matter having been duly considered the Board finds as follows:

Petition of Omochumne-Hartnell Water District

1. The District contends that the lands within its jurisdiction should be included within the place of use under the U. S. Bureau of Reclamation's permits. Petitioner Schneider concurs with this contention.

2. The Board finds that this proposal was not a part of the Bureau's change petitions and, therefore, was not within the scope of the proceedings on said petitions. Accordingly, the proposal cannot by orderly process be properly considered on reconsideration of Order WR 79-13. This finding is without prejudice to consideration of any subsequent petition embodying the proposal.

Petition of Rancho Murieta

3. Rancho Murieta's petition raises two issues:

a. Petitioner objects to order Paragraph 8 on Permit 16762. This order paragraph requires that all local runoff be collected to storage and that the right under Permit 16762 be correspondingly reduced. Petitioner correctly points out that local runoff cannot be accurately forecast since runoff in the area comes from rainfall rather than from any measurable snowpack. Petitioner further contends that the term provides no benefit or necessary protection to Schneider. The existing diversion season constraints (November 1 to May 1)

in Permit 16762, and the minimum flow requirements of Condition 18 (no diversion when the flow is less than 70 cfs), together with Condition 21 (there must at all times be a live stream from the permitted diversion down to McConnell gage), provides the necessary protection to the protestant. Furthermore, spill from Chesbro and Clementia reservoirs will flow into the Cosumnes River upstream from the protestant. Calero reservoir's entire watershed is 210 acres, with the reservoir itself occupying 118 acres. Therefore, only a small additional amount could be diverted from the Cosumnes River in place of collecting local runoff, but only outside the protestant's irrigation season.

Petitioner further points out that order Paragraph 8 may conflict with Condition 18 which requires that in subnormal years the reservoirs be filled early to aid downstream fish migration flows. The Board finds that order Paragraph 8 is excessively burdensome and does not provide optimum operation of the permittee's project considering all of the permit requirements together. The project as permitted also contains a built-in incentive to collect local runoff since the collection of such runoff avoids needless pumping and energy expended. Accordingly, order Paragraph 8 should be modified to require petitioner to collect local runoff where practicable.

b. Petitioner requests the Board to amend subparagraph (d) of finding 7.d.(2), which reads:

*"Protestant's concerns with access to the meters was resolved at the hearing at which time OHWD and Rancho Murieta agreed that Schneider Ranch would be granted access as a representative of OHWD."*

Petitioner contends that this finding incorrectly implies that Rancho Murieta agrees to designation of multiple representatives by OHWD. We find that the record substantiates petitioner's contention. The order will be amended accordingly.

Petition of Jay Schneider

4. Petitioner raises four issues:

a. Petitioner insists that the requested change in place of use under License 6238 (Rancho Murieta) should be disapproved. Petitioner offers no new matter in support of his request. We have reviewed the record and find no error in our interpretation of the facts. Petitioner's request should, therefore, not be granted.

b. Petitioner requests that License 2629 (Cosumnes Irrigation Association) be reduced on a pro rata basis rather than by considering actual use data as found in finding 24 b of Order 79-13. The original basis for determining the amount of water to be licensed was an estimate and was not based on use data which is a preferable basis. There is no doubt from the record that the full amount of the license was beneficially used prior to issuance of the license. With the present change in the project, current use data will be available. There is no reason not to use a measured amount rather than a hypothetical amount when such data becomes available. There is precedent for this approach. (See Board Order 74-35.)

c. Petitioner, in reference to the U. S. Bureau of Reclamation's permits, requests that the Schneider Ranch be included in the place of use. We find that inclusion of the Schneider Ranch in the place of use is outside the scope of this preceeding and that the discussion under finding 2, above, is applicable to this request. Petitioner further requests that domestic use as well as municipal and industrial uses be limited to net amounts to control growth. The Board finds further that the U. S. Bureau of Reclamation properly petitioned for a change in character of use and the records indicate that the water under the permits has been fully utilized and the Bureau expects the

project to be licensed in 1979. Further, the El Dorado Irrigation District has previously pointed out that future growth will be supplied with water from other sources.

d. Petitioner requests that the Board amend its order concerning public access to the Cosumnes River adjacent to Rancho Murieta to require equal access to all portions of the river. The Board finds that petitioner has offered no new matter to support his request, that the order was made after due consideration of all the record and that the County of Sacramento is the proper authority to implement and control access to the river.

5. The Board further finds that reference to License 537, order Paragraph 3 of Order 79-13 on Page 42 is a clerical error and should be amended to refer to License 6238.

From the foregoing findings, the Board concludes that Order 79-13 should be amended as set forth in the order following:

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The permit term contained in order Paragraph 8 on Permit 16762, Page 40, of Order 79-13 is modified to read as follows:

*"Permittee shall make all reasonable efforts to collect local runoff to storage to the extent local runoff is available in lieu of diverting water from the Cosumnes River."*

2. Subparagraph (d) of finding 7.d(2) (Page 11) of Order 79-13 is modified as follows:


*"Protestant's concerns with access to the meters was resolved at the hearing, at which time OHWD and Rancho Murieta agreed that Schneider Ranch could be granted access as the representative of Omochumme-Hartnell Water District."*


3. Paragraph 3 of Order 79-13 on Page 42 is deleted and a new Term 10 on Page 41 shall be added to License 6238 as follows:

*"This license is subject to the agreement dated March 26, 1979 between licensee and Omochumme-Hartnell Water District to the extent such agreement covers matters within the Board's jurisdiction."*

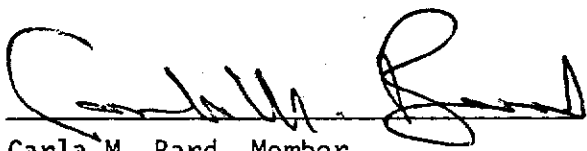
4. Except as hereinabove ordered, the petitions for reconsideration are dismissed.

Dated: AUG 16 1979

  
W. Don Maughan, Chairman

  
L. L. Mitchell, Member

**ABSENT**  
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William J. Miller, Vice Chairman

  
Carla M. Bard, Member